

REMARKS

Claims 1-14 are pending in the application. The Examiner has rejection claims 1 and 10 under 35 U.S.C. §102(a) as being anticipated by Malone et al. (US Patent Application publication No. 2004/0050534A1). The Examiner has rejection claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Malone in view of Miyamura et al. (US Patent 6,646,341). The Examiner has rejection claims 4 -9 and 11-14 under 35 U.S.C. §103(a) as being unpatentable over Malone in view of Miyamura and Wobig et al. (US Patent No. 2003/0198016A1). Applicant respectfully traverses these rejections.

With respect to the rejection under 35 U.S.C. §102(b) by Malone, Malone discloses “a heat sink includes a heat pipe and a base adapted to attach the heat pipe to a heat generating component, such that the heat pipe directly contacts the component without an air gap. By directly contacting the component, a heat pipe dissipates heat more efficiently than it would if it were coupled to the component via a sold base.” (Malone, Summary of the Invention: Paragraphs 0007 – 0008, also see Figures 1, 2 and 5). Figures 1, 2 and 5 of Malone show that “each heat pipe is exposed through the bottom of the common base 12 is in direct contact with its respective heat-generating component 20.” (Malone paragraph 0029). While the amended claim 1 of the present invention cites:

1. An heat dissipation device, comprising:
a heat sink portion, **including a base** and a thermal conductive unit with a plurality rows of vertical posts formed thereon;
a fin portion mounted over the heat sink portion, including a plurality of planar fins stacked with each other along a vertical direction; and
at least two heat pipes, each having a horizontal extension disposed on the base between rows of vertical posts and a vertical extension passed through the fin portion to obtain a staggered arrangement therein.

(Emphases added).

Focus on the element pf “two heat pipes disposed on the base between rows of vertical posts”, it definitely is different the teaching of Malone. Therefore, Applicant respectfully traverses the Examiner’s rejection. As stated in MPEP §2131:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the...claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

(Emphases added).

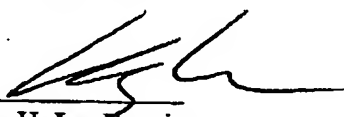
To anticipate a claim, the prior art must be such that a person of ordinary skill in the field of the invention would consider there is no difference between the claimed invention and the referenced disclosure. *Scripps Clinic & Research Found. V. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). In this case, Claims 1 and 10 of the present invention disclose heat pipes disposed on the base which is opposite to the teaching of Malone. A skilled person in the field will agree that Malone teaches away from the present invention. Therefore, claims 1 and 10 can't and will not be anticipated by Malone.

With respect to the rejection of claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Malone in view of Miyamura et al; and the rejection of claims 4-9 and 11-14 under 35 U.S.C. §103(a) as being unpatentable over Malone in view of Miyamura and Wobig et al., based on the differences discussed above regarding claims 1 and 10 can't be anticipated by Malone, hence claims 2-3, 4-9 and 11-14 all have element is not taught or suggested by Malone, Miyamura, Wobig or the combination of three of them, therefore, Applicant respectfully traverses the Examiner's rejection.

If the Examiner believes that a further telephonic interview will facilitate allowance of the claims, he is respectfully requested to contact the undersigned at (610) 446-5886. For the reasons stated above, Applicants respectfully assert that the pending claims are in condition for allowance. Reconsideration and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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